

01/25/02

J1132 U.S. PTO

01-29-02

Jc971 U.S. PTO
10/058154

01/25/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of		PATENT APPLICATION FILING
Inventor(s):	JEFFREY A. RAPAPORT et al.	Art Unit: Not-yet-assigned
SC/Serial No.:	Not-yet-assigned	Examiner: Not-yet-assigned
Confirm No.:	Not-yet-assigned	
Filed:	Herewith	Customer No.: <u>23910</u>
Title: ADAPTIVE COMMUNICATION METHODS AND SYSTEMS FOR FACILITATING THE GATHERING, DISTRIBUTION AND DELIVERY OF INFORMATION RELATED TO MEDICAL CARE		Attorney Docket: <u>STEC-02012US0</u>
Patent Term Adjust Info		
PTO Mailed Date: <u>N/A</u>		PTO Effective Receipt Date:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL467322391US
Date of Mailing: January 25, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box Patent Application, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Janet G. Moore

Signature Date: January 25, 2002

(Signature)

NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER
UNDER 37 C.F.R. §1.53(b)

Box PATENT APPLICATION
Commissioner for Patents
Washington, DC 20231

Dear Sir:

This filing is summarized by the following **Table of Contents**:

<input checked="" type="checkbox"/>	Section I:	Identification of hardcopy PAPERS and/or electronic documents included herewith for initially forming <i>the presently submitted Non-Provisional Patent Application</i> 2
<input type="checkbox"/>	Section II:	Identification of earlier-filed applications and/or claims of priority to dates thereof which inure to BENEFIT of the presently submitted application and FIRST SENTENCE Amendments

<input checked="" type="checkbox"/>	Section III:	PRE-GRANT PUBLICATION information including optional OPT-OUT CERTIFICATION per 37 CFR §1.213 4
<input type="checkbox"/>	Section IV:	Amendments (other than First Sentence ones) to initially formed and presently submitted application
<input checked="" type="checkbox"/>	Section V:	Additional submissions and/or requests 4

Legend: ☒ or ☒ means used or picked or provided
 ☐ or ___ means *not* used / *not* picked / *not* provided

SECTION I:	IDENTIFICATION OF HARDCOPY PAPERS AND/OR ELECTRONIC DOCUMENTS INCLUDED HERewith FOR INITIALLY FORMING THE PRESENTLY SUBMITTED, NON-PROVISIONAL APPLICATION (NPA)
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Transmitted herewith for filing as a non-provisional patent application pursuant to 37 C.F.R. §1.53(b) are papers and/or electronic submissions identified as follows:

- ☒ No. of Pages of **Specification** = 226, which pages include an Abstract and 17 Claims (at least one);
 - ☒ Plus as part of the Application, **EXHIBIT-1** = 9 pages,
 - ☒ Plus as part of the Application, **EXHIBIT-2** = 24 pages,
 - ☒ Plus as part of the Application, **EXHIBIT-3** = 4 pages.
- ☒ No. of Sheets of **Drawings** = 50, which sheets are:
 Informal ___; Publication-Quality ☒; Formal: ___.

☒ **Satisfaction of Oath Requirement**

(A) ☒ Submission of originally-signed **Declaration** with number of pages (counting all counterpart versions if any) = 5.

--OR--

(B) ___ Submission of an originally-signed Declaration *is excused* because a copy is being submitted pursuant to 37 CFR §1.63(d)(1) of an earlier-filed Declaration from another application as detailed in below Section II.

- ☒ **Fee** is being concurrently paid by check or otherwise if box is checked.

The above-identified papers and/or electronic submissions are further identified by one or more of the following, invention-related and/or attorney-related attributes:

Title: *Adaptive Communication Methods and Systems for Facilitating the Gathering, Distribution and Delivery of Information Related to Medical Care*

Inventor(s): (1) Jeffrey A. Rapaport, Seymour A. Rapaport, Jeffrey E. Clarke,
Eric R. Rinehart, Michael U. Bergens

Electronic File Name(s): N/A
Other: N/A

SECTION II:

**IDENTIFICATION OF EARLIER-FILED APPLICATIONS AND/OR
CLAIMS OF PRIORITY BASED THEREON WHICH PRIORITY DATES
INURE TO BENEFIT OF THE PRESENTLY SUBMITTED APPLICATION**

Pursuant to 37 C.F.R. §1.78, the following Provisional (PPA) and/or Nonprovisional (NPA) and/or international (e.g. PCT) ones of, effectively Copending, Prior-Filed Complete Application(s), if any, are respectively identified *at least by series code and serial number* and international application number and filing date as follows: [NONE]

Immediate Co-pending Parent (Ref #1)

Benefit Claimed N/A

SC/Serial No.:

Art Unit:

Filed:

Examiner:

Confirm No.:

Title:

Inventor(s):

Atty. Docket No.:

First Sentence & Other Initial Amendments

_____ Please AMEND the specification of this application by [deleting the existing, cross referencing first sentence following the title and inserting therefor:] [inserting as the first sentences following the title:] "This application [is a divisional of and] [continues] [continues-in-part] from U.S. Serial No. / / / , filed , [now abandoned,] [where the latter [continued] [continued-in-part] from Serial No. / / / , filed]. The disclosures of said applications is/are incorporated herein by reference."

_____ Please CANCEL in this application, original claims before calculating the filing fee. (At least one original independent claim must be and is hereby left present for filing purposes.)

Claim of Foreign Priority

_____ Priority of foreign application Serial No. , filed on , in is claimed under 35 U.S.C. §119.

_____ The certified copy was filed in prior U.S. application Serial No. _____,
_____, filed _____.

SECTION III:

Pre-grant Publication information including optional
OPT-OUT CERTIFICATION

For applications filed on or after November 29, 2000:

☒ Preclusion from pre-grant publication is hereby requested and a rescindable certification pursuant to 35 USC §122(b) is hereby made that the invention claimed and disclosed in the present application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publications of applications 18 months after filing.

--AND/OR--

☒ Preclusion from pre-grant publication is requested in an accompanying PTO Form PTO/SB/35 or a substantially similar such form (FDML 111.001) and is signed in compliance with 37 CFR §1.33(b).

_____ Early pre-grant publication is hereby requested pursuant to 37 CFR §1.219 and the publication fee set forth in 37 CFR §1.18(d) accompanies this request.

--OR--

_____ Applicant has no objection to pre-grant publication of this application pursuant to 37 CFR §1.211.

SECTION IV:

Amendments (other than First Sentence ones) to the here initially formed and presently submitted application:

_____ A **PRELIMINARY AMENDMENT** is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added should be consecutively numbered beginning with next number after highest number in the enclosed application papers.)

SECTION V:

Additional submissions and/or requests:

Pre-emptive Provisional Election of Restrictable Claims and/or Restrictable Species

In the event that the U.S. PTO deems a restriction requirement to be necessary and identifies two or more electable groups of claims and requires Applicant to elect one such group, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the group which includes Claim 7.

In the event that the U.S. PTO deems an election among species to be necessary, and identifies two or more electable species or subspecies by pointing to respectively referenced items in the drawings, and requires Applicant to elect one of such identified species or subspecies, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the species or subspecies which includes element 1000 of Fig. 10A.

If neither of said election of claims or election of species is made a requirement by the U.S. PTO in its initial examination, then the above pre-emptive elections are to be treated as if they had not been made. If any of the above pre-emptive elections do not make sense given the context of the election requirements made by the U.S. PTO, then such a pre-emptive election by Applicant is to be deemed as not having been made.

Petition for Extension of Time to Respond

☐ No extension of time is required for maintaining the copendency of each of the above-identified, Immediate Parents.

☐ Pursuant to 37 C.F.R. §1.136(a), enclosed is/are Petitions for Extension of Time for maintaining the copendency of the corresponding Immediate Parent(s) up through and including today, together with the fee(s) set by 37 C.F.R. §1.17. (If such papers/fees are inadvertently missing, then this section, if checked, is to be treated as a request for such extensions as necessary to maintain copendency and authorization to charge the below-identified Deposit Account for such fees.)

Power of Attorney

☐ A power of attorney appears in Immediate Parent (Ref #1).

☒ A new power of attorney is submitted herewith.

Assignment

☐ Immediate Parent (Ref #1) is assigned of record to:

☒ An assignment of the invention to:
SolveTech Corporation, Sunnyvale, California
is submitted herewith, together with an ASSIGNMENT
RECORDATION FORM COVER SHEET and recordal fee of \$40.00.

Small Entity Statement

✓ Statement(s) claiming small entity status is (are) submitted herewith.

Statement(s) claiming small entity status was (were) filed in the parent application Serial No. _____, on _____ and its (their) benefit under 37 C.F.R. §1.28(a) is (are) hereby claimed.

Also Enclosed Are:

_____ An Information Disclosure Statement under 37 C.F.R. §1.56.

Filing Fee

The application filing fee is calculated as shown below:

No. Filed	No. Extra		Rate Small Entity/ Other Than Small Entity		
Basic Fee			\$355.00 \$710.00	=	\$ 355.00
Total Claims <u>17</u> ** - 20 =	<u>0</u> *	X	\$ 9.00 \$ 18.00	=	\$ 0.00
Independent Claims <u>10</u> ** - 3 =	<u>7</u> *	X	\$ 40.00 \$ 80.00	=	\$ 280.00
First Presentation of Multiple Dependent Claim(s) _____			\$135.00 \$270.00	=	\$
Total PATENT APPLICATION FILING FEE:					\$ 635.00

* If the difference is less than zero, enter "0".

** Count claims after any amendment.

Method of Payment of Fees

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$ 635.00
Net fee for extension of time (See attached petition)	\$
Assignment recordal fee	\$ 40.00
(See attached cover sheet)	=====
TOTAL FEE DUE:	\$ 675.00

- ✓ A check in the amount of the TOTAL FEE DUE is enclosed.
- ✓ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b) form is enclosed.

Correspondence Address

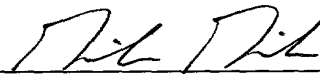
All correspondence should be addressed as follows:

Gideon Gimlan, Esq.
FLIESLER, DUBB, MEYER & LOVEJOY LLP
Four Embarcadero Center, Suite 400
San Francisco, California 94111-4156
Telephone (415) 362-3800

Direct all telephone calls to the undersigned attorney at (408) 748-7300.

Respectfully submitted,

Date: January 25, 2002

By: 
Gideon Gimlan
Reg. No. 31,955

FLIESLER, DUBB, MEYER & LOVEJOY LLP
Four Embarcadero Center, Suite 400
San Francisco, California 94111-4156
(415) 362-3800

205370 4525001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): JEFFREY A. RAPAPORT et al.

SC/Serial No.: Unknown

Confirmation No.: Unknown

Filed: Herewith

Title: ADAPTIVE COMMUNICATION METHODS AND
SYSTEMS FOR FACILITATING THE GATHERING,
DISTRIBUTION AND DELIVERY OF
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PATENT APPLICATION

Customer No. 23910

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Janet G. Moore (Signature)
Signature Date: January 25, 2002

NON-PUBLICATION REQUEST AND CERTIFICATION
UNDER 35 U.S.C. 122(b)(2)(B)(i)

Box PATENT APPLICATION

Commissioner for Patents


Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the application submitted herewith **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the application submitted herewith **not be published** under 35 U.S.C. 122(b).

Respectfully submitted,

Date: Jan. 25, 2002

By: 

Gideon Gimlan
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